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24 Attorneys for Plaintiff and Counterdefendant
 25 TETSUYA NAKAMURA

26 UNITED STATES DISTRICT COURT

27 DISTRICT OF NEVADA

28 TETSUYA NAKAMURA,
 29 Plaintiff,
 30 v.
 31 SUNDAY GROUP INCORPORATED, *et al.*,
 32 Defendants.

Case No.: 2:22-cv-01324-MMD-EJY

STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO COUNTERCLAIM AND SETTING BRIEFING SCHEDULE ON RENEWED MOTION TO DISMISS (FIRST REQUEST)

33 SUNDAY GROUP INCORPORATED AND
 34 TOSHIKI (TODD) MITSUISHI
 35 Counterclaimants,
 36 v.
 37 TETSUYA NAKAMURA,
 38 Counterdefendant.

STIPULATION AND PROPOSED ORDER
EXTENDING TIME TO RESPOND AND
SETTING BRIEFING SCHEDULE

Case No.: 2:22-cv-01324-MMD-EJY

1 Plaintiff Tetsuya Nakamura (“Dr. Nakamura”) and Defendants Sunday Group
2 Incorporated, SGI Trust, Toshiki (Todd) Mitsuishi and James Pack (collectively, “Defendants”),
3 by and through counsel, hereby stipulate as follows:

4 WHEREAS, on August 16, 2022, Dr. Nakamura commenced this action against
5 Defendants alleging claims such as breach of contract and fraud pertaining to cryptocurrency
6 industry investments;

7 WHEREAS, on November 1, 2022, Defendants moved to dismiss Dr. Nakamura’s claims,
8 which motion was denied on April 10, 2023 (ECF No. 44);

9 WHEREAS, on May 8, 2023, Defendants answered and asserted four counterclaims, three
10 of which Dr. Nakamura moved to dismiss on June 21, 2023;

11 WHEREAS, in lieu of opposing Dr. Nakamura’s motion to dismiss those three
12 counterclaims, on August 10, 2023, Defendants amended their answer and counterclaims and
13 have now asserted seven counterclaims (ECF No. 59);

14 WHEREAS, Dr. Nakamura’s response to Defendants’ amended answer and counterclaims
15 currently is due August 24, 2023;

16 WHEREAS, Dr. Nakamura anticipates responding by filing a renewed motion to dismiss
17 some or all counterclaims;

18 WHEREAS, the parties have met and conferred on the matter, may engage in mediation, and
19 in any event agree that a renewed motion to dismiss counterclaims warrants an extension of time for
20 briefing;

21 WHEREAS, the contemplated extension of time for briefing will permit the parties to
22 adequately address the issues raised in Defendants’ counterclaims and aid the Court in so doing;

23 WHEREAS, the contemplated extension will not delay ongoing discovery or other
24 litigation of the matter;

25 **IT IS ACCORDINGLY STIPULATED**, pursuant to Civil L.R. 6-1 and 6-2, by and between
26 the undersigned counsel for the parties, that:

- 1 1. Dr. Nakamura shall answer or move to dismiss Defendants' amended counterclaims
2 on or before October 5, 2023;
- 3 2. In the event Dr. Nakamura moves to dismiss the amended counterclaims,
4 Defendants shall file any opposition on or before November 2, 2023;
- 5 3. Dr. Nakamura shall file any reply to any opposition on or before November 30,
6 2023.

7 Dated: August 24, 2023

FENWICK & WEST LLP

8 By: /s/ Felix S. Lee _____

9 Felix S. Lee
10 Christopher J. Steskal
11 Casey O'Neill
12 Claire Mena

13 and

FENNEMORE CRAIG, P.C.

12 By: /s/ John D. Tennert III _____

13 John D. Tennert III (Nevada Bar No. 11728)
14 Wade Beavers (Nevada Bar No. 13451)

15 Attorneys for Plaintiff
16 TETSUYA NAKAMURA

17 Dated: August 24, 2023

CLYDE SNOW & SESSIONS LLP

18 By: /s/ Timothy R. Pack _____

19 Timothy R. Pack

20 Attorneys for Defendants
21 SUNDAY GROUP INCORPORATED,
22 SGI TRUST, TOSHIKI (TODD) MITSUISHI
23 AND JAMES PACK

24 **ORDER**

25 IT IS SO ORDERED.



26 THE HONORABLE MIRANDA M. DU,
27 UNITED STATES DISTRICT JUDGE

28 DATED: August 25, 2023